

Message Text

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PAGE 01 PORT M 01070 300505Z

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LIMITED OFFICIAL USE PORT MORESBY 1070

E.O. 11652: NA
TAGS: PLOS PBOR AS ID PP
SUBJ: RATIFICATION OF AUSTRALIAN-INDONESIA MARITIME
BOUNDARY AGREEMENT

REF: STATE 239074

1. IN ADDITION TO 1895 UNITED KINGDOM-NETHERLANDS AGREEMENT
WHICH DEFINED BORDER BETWEEN BRITISH AND DUTCH NEW GUINEA,
AND 1936 AGREEMENT BETWEEN AUSTRALIA AND NETHERLANDS WHICH
RELATED TO MARKERS FOR THAT BOUNDARY, FOLLOWING AGREEMENTS
APPLY:

A. AUSTRALIAN-INDONESIAN AGREEMENT SIGNED MAY 18, 1971
WHICH CAME INTO FORCE WHEN THE TWO PARTIES EXCHANGED
INSTRUMENTS OF RATIFICATION ON NOVEMBER 8, 1973;

B. AUSTRALIAN-INDONESIAN AGREEMENT SIGNED OCTOBER 9, 1972
WHICH SUPPLEMENTED 1971 AGREEMENT AND WHICH CAME INTO
FORCE WHEN THE TWO PARTIES EXCHANGED INSTRUMENTS OF
RATIFICATION (ALSO) ON NOVEMBER 8, 1973;

C. AUSTRALIAN-INDONESIAN AGREEMENT SIGNED FEBRUARY 12, 1973
WHICH CAME INTO FORCE WHEN THE TWO PARTIES
EXCHANGED INSTRUMENTS OF RATIFICATION ON NOVEMBER 26, 1974
(THE THEN CHIEF MINISTER OF PNG, MICHAEL SOMARE, WAS
AUTHORIZED BY AUSTRALIA TO SIGN ON ITS BEHALF); AND
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D. AUSTRALIAN-INDONESIAN AGREEMENT OF NOVEMBER 13, 1973

WHICH DEALT WITH BORDER ADMINISTRATIVE ARRANGEMENTS
WHICH CAME INTO FORCE WITH EXCHANGE OF INSTRUMENTS OF
RATIFICATION ON NOVEMBER 26, 1974.

2. TEXT OF ALL THESE AGREEMENTS SHOULD BE FOUND IN
AUSTRALIAN TREATY SERIES.

3. INsofar AS GPNG IS CONCERNED IT WOULD REGARD THESE
TREATIES AUTOMATICALLY TO REMAIN IN FORCE BY PNG AND
INDONESIA WITH EXCEPTION OF NOVEMBER 13, 1973 AGREEMENT
DEALING WITH BORDER ARRANGEMENTS AND OCTOBER 1972 AGREEMENT.

4. IN REGARD TO NOVEMBER 1973 BORDER ADMINISTRATIVE
ARRANGEMENTS AGREEMENT, PNG REGARDS ITSELF AS HAVING AN
OPTION AS TO WHETHER IT WILL CONTINUE THIS AGREEMENT,
BUT AS YET HAS MADE NO DECISION ON IT; GPNG HAS NOT AS YET
INFORMED INDONESIA THAT PNG BELIEVES IT HAS THIS OPTION.
AT PRESENT GPNG IS GIVING EFFECT TO THE AGREEMENT UNDER
TERMS OF GPNG TREATY SUCCESSION STATEMENT OF SEPTEMBER 16, 1975.
PNG ATTITUDES RE THIS MATTER SHOULD NOT BE
DISCUSSED WITH INDONESIAN AUTHORITIES AT THIS POINT SINCE
PNG FEARS THAT INDONESIA COULD MISUNDERSTAND PNG ATTITUDE
AS ONE LEADING TO ABANDONMENT OF AGREEMENT FOR POLITICAL
REASONS, WHEN IN FACT PNG'S ATTITUDE RE CONTINUANCE
REFLECTS ITS CONCERN WITH POINTS OF INTERNATIONAL LAW
AND NOT POLITICAL SITUATION.

5. LASTLY THE 1972 AGREEMENT DOES NOT AFFECT PNG
(IT DEALS WITH TIMOR TRENCH AND RELATED ISSUES) AND
THUS PNG TREATY SUCCESSION STATEMENT DOES NOT APPLY.
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